

DISPOSITION: May 21, 1951. The House of Eden, claimant, having filed an answer denying that the product was a drug and that it was misbranded as alleged in the libel, but subsequently having withdrawn its claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3450. Adulteration and misbranding of first aid kits. U. S. v. 97 Kits \* \* \*.**  
(F. D. C. No. 30746. Sample No. 5007-L.)

**LIBEL FILED:** March 14, 1951, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 2, 1950, by the Kiffe Sales Co., from New York, N. Y.

**PRODUCT:** 97 *first aid kits*, each kit containing a plastic tube of 6 5 mg. amphetamine sulfate tablets, a plastic tube of 8 wound tablets, a plastic tube of 12 atabrine tablets, and a glass vial of iodine, at Boston, Mass.

Examination showed that many of the items were undergoing deterioration. The kits were made up for the use of the Armed Services during the last war and were quite old.

**NATURE OF CHARGE:** Adulteration. Section 501 (d), a substance containing isopropyl alcohol had been substituted for Iodine Tincture U. S. P., which does not contain isopropyl alcohol.

Misbranding, Section 502 (b) (2), the labels of the tablets in the kits failed to bear accurate statements of the quantity of the contents; Section 502 (e) (1), the label of the wound tablets failed to bear the common or usual name of the drug, namely, sulfadiazine; and, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use.

**DISPOSITION:** April 23, 1951. Default decree of condemnation and destruction.

**DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\***

**3451. Adulteration and misbranding of epinephrine bitartrate tablets. U. S. v. Graham Chemical Co. and Dr. Samuel D. Goldberg. Pleas of nolo contendere. Fine of \$2 against company and \$50 against individual.**  
(F. D. C. No. 28106. Sample Nos. 11257-K, 11295-K.)

**INFORMATION FILED:** May 17, 1951, Eastern District of New York, against the Graham Chemical Co., a partnership, Jamaica, N. Y., and Dr. Samuel D. Goldberg, a partner.

**ALLEGED VIOLATION:** On or about July 24, 1947, the defendants gave to a firm engaged in the business of shipping drugs in interstate commerce, a guaranty to the effect that all articles comprising each shipment or other delivery made by the company to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the law.

On or about October 29, 1948, and February 24, 1949, the defendants shipped under the guaranty to Long Island City, N. Y., two lots of *epinephrine bitartrate tablets*. As originally filed, the information charged that both shipments of the drug were adulterated and misbranded, but the adulteration charge was dismissed with respect to the shipment of October 29, 1948, and the misbranding charge was dismissed with respect to the shipment of February 24, 1949.

\*See also No. 3450.

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the product in the February 1949 shipment differed from that which it purported and was represented to possess. The label represented that each tablet contained 0.75 mgm. of epinephrine bitartrate, equivalent to 0.4 mgm. (1/166 grain) of epinephrine bitartrate, and that 1 cc. of a solution containing one tablet of the article would equal a solution containing 1 part of epinephrine bitartrate per 2,600 parts of the solution. However, each tablet of the article contained less epinephrine bitartrate than so represented, and 1 cc. of a solution containing 1 tablet of the article would equal a solution containing less than 1 part of epinephrine bitartrate per 2,600 parts of the solution.

Misbranding, Section 502 (a), the statements on the label of the article in the October shipment "Each Tablet Contains: 0.4 mgm. (1/166 grain) Epinephrine Bitartrate \* \* \* 1 tablet in 1 cc. equals 1:2600 Solution" were false and misleading since the product contained less epinephrine bitartrate than stated and implied. Further misbranding, Section 502 (a), the statement "U. S. P." on the label of the article was false and misleading since it represented that the article was a drug the name of which is recognized by the United States Pharmacopoeia, whereas the article was not a drug the name of which is recognized by the United States Pharmacopoeia.

**DISPOSITION:** May 25, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$2 against the partnership and \$50 against the individual.

**3452. Adulteration and misbranding of Ido-Pheno-Chon. U. S. v. 11 Cases**  
\* \* \*. Motion for removal denied (94 F. Supp. 925). Consent decree  
of condemnation. (F. D. C. No. 27921. Sample No. 50524-K.)

**LIBEL FILED:** November 18, 1949, District of Oregon.

**ALLEGED SHIPMENT:** On or about August 19, 1949, by the Pyo-Gon Laboratories, from Los Angeles, Calif.

**PRODUCT:** 11 cases, each containing 12 6-ounce bottles, of *Ido-Pheno-Chon* at Portland, Oreg.

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it purported to possess, namely, "bacteriostatic solution."

Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not bacteriostatic: (Bottle label) "For Dental and Oral Use Bacteriostatic Solution" and (carton label) "For Dental and Oral Use Bacteriostatic Solution \* \* \* to markedly inhibit certain bacterial infections \* \* \* Ido-Pheno-Chon, due to its high bacterio-static properties, aids in the management of gum infection and in control of other mouth infections. Its effectiveness has been attested in actual case histories."

**DISPOSITION:** On or about February 9, 1950, the Pyo-Gon Laboratories, claimant, filed a motion for removal of the libel action to another jurisdiction; and on August 31, 1950, after consideration of the briefs and arguments of counsel, the court handed down the following opinion in denial of the motion:

**FEE, Chief Judge:** "A libel was commenced against certain goods shipped into this District from a point within the Southern District of California and found here. The charge is misbranding and adulteration. The goods were seized. Thereupon, claimant made a motion to transfer the cause to the Southern District of California or, if that be denied, to a district adjacent thereto.